

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

PATRICIA MCELROY, *et al.*,

*

PLAINTIFFS,

* **CASE NO.: 5:21-CV-00179**

V.

*

AT&T CORPORATION, *et al.*,

*

DEFENDANTS.

*

ORDER

IT IS ORDERED, this 29th day of July 2021, that the Consent Motion to Bifurcate Plaintiffs' Successor Liability Claim Against Defendant Brenntag Specialties, Inc. is hereby GRANTED and it is hereby

ORDERED that the plaintiffs' claim against the defendant Brenntag Specialties, Inc. is hereby bifurcated and will not proceed until after the trial of the plaintiffs' asbestos personal injury claim against the defendant Whittaker, Clark & Daniels, Inc. and any and all appeals therefrom are concluded; and it is further

ORDERED that the plaintiffs will not proceed on their claim against the defendant Brenntag Specialties, Inc. unless the defendant Whittaker, Clark & Daniels, Inc. lacks the assets and insurance coverage to satisfy any final judgment that the plaintiffs may recover against the defendant Whittaker, Clark & Daniels, Inc.; and it is further

ORDERED that if the successor liability phase of trial should occur, the defendant Brenntag Specialties, Inc. may contest the plaintiffs' claim that it is the successor to the defendant Whittaker, Clark & Daniels, Inc., but will not seek to re-litigate the plaintiffs' personal injury claim

and/or wrongful death claim (should one arise) against the defendant Whittaker, Clark & Daniels, Inc., if and when final judgment is entered against the defendant Whittaker, Clark & Daniels, Inc. after trial and any and all appeals therefrom.



LOUISE W. FLANAGAN
LOUISE W. FLANAGAN
United States District Judge